

Summary of Topic Group Members' Comments Concerning Funding Allocation (June, 2000)

Commenter	Comments
SSEB: Don Greene, AK	<ul style="list-style-type: none"> ◆ Supports proposed grant allocation based on three grant components (base component, variable or impact component, and discretionary component) ◆ Key requirement: provide sufficient resources in base grant to ensure that States and Tribes meet a minimum Secure-Isolate-Notify (SIN) level <ul style="list-style-type: none"> → States and Tribes should be responsible for planning how to provide this minimum level (using base grant) → WGA recommendation for 75/25 implementation grant (75% for shipment miles and 25% for to ensure minimum funding levels and program capabilities) would not meet AK needs: base grant should comprise a greater proportion and population should be included as a factor in the variable/impact grant.
SSEB: Elgan Usrey, TN	<ul style="list-style-type: none"> ◆ Supports general concept of the proposed consolidated grant and the three basic grant components ◆ Believes consideration should be given to coordination costs: States that host a major DOE facility have greater demands placed on them for coordination with the site, vehicle inspections, and training. Therefore, coordination requirements should be included as a factor in the variable/impact component of the grant—or possibly in the discretionary component ◆ Consideration should also be given to establishing a threshold in determining eligibility for a grant. Two key questions are: <ul style="list-style-type: none"> → Where should the threshold be set (at two, five, ten, twenty shipments per year)? → Would the threshold vary by type of shipment?
Northeast: Ed Wilds, CT Phill Paull, N.E.	<ul style="list-style-type: none"> ◆ N.E. region believes that a more equitable allocation method is needed than is currently used and is broadly supportive of the consolidated grant. The region favors the three-component approach, while recognizing that the proportion to be allocated between base and variable/impact components and how to calculate the impact are issues for discussion, especially between eastern and western States ◆ Specific comments related to the impact factors:

	<p>→ Human safety and impact on the public should be the first priority; therefore in urban areas, it is essential to include population as a factor (this issue will also be a consideration in western cities, e.g., Denver)</p> <p>→ Several factors need to be included in calculating an impact amount. One factor will not be adequate</p> <p>→ Consideration must be given to the working population, which may differ from the resident population within a certain distance from a transportation route (could this be addressed under the discretionary component?)</p> <p>◆ The issue that the grant needs to address is the number of trained individuals rather than a fixed dollar amount for training (e.g., one person may be trained for \$100 in one area but \$200 in another area)</p> <p>◆ Under proposed allowable activities, a jurisdiction should get credit for leveraging funds from all sources not just federal sources.</p>
Midwest: Tim Runyon	<p>◆ Supports overall concept of the consolidated grant and the proposed, three-component approach:</p> <p>◆ Favors the three proposed factors to be used in calculating impact (number of shipments, mileage along routes, and population):</p> <p>→ The key priority is the impact on people and public health, therefore population should be included as a factor</p> <p>◆ The 75/25 split recommended by WGA gives too much emphasis to the variable component. One possibility may be to examine a 40/40/20 split.</p>
STWG/WA Max Power	<p>◆ Generally agrees with factors included</p> <p>◆ More weight should be assigned to future shipments:</p> <p>→ DOE's current plans call for a dramatic increase in shipments from one or to two locations: TRU to WIPP and MLW to Hanford or Nevada. If HLW is shipped, a new pattern would occur.</p> <p>→ It takes approximately three years to prepare for large campaigns, therefore prospective shipments should "pull" the allocations to support preparedness</p> <p>◆ From the western viewpoint, route miles should be weighted more heavily than population.</p>

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Idaho: Duane Sammons	<ul style="list-style-type: none"> ◆ Projected shipments should be weighted more heavily. In Idaho, shipments will increase from approximately a dozen to 100 shipments per year in future ◆ Using 1990 census data for population will not accurately reflect current population increases [or decreases]. Population data must be current. ◆ It seems discriminatory toward the States to include only the population within ½ mile of the route, whereas all Tribal members are included irregardless of their distance from the route.

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WGA	<p>♦ General principles related to allocation:</p> <ul style="list-style-type: none"> → No shipments should be made until DOE has cooperatively identified shipping routes and funding and assistance have been made available to States and Tribes at least three years prior to shipments → Formulae should not be based on arbitrarily established DOE criteria but on State and Tribal specific needs assessments that are funded by DOE → DOE should provide flexibility for expenditure of funds by States and Tribes pursuant to the provisions of each State and Tribal plan <p>♦ Proposed mechanism for allocating funds:</p> <ul style="list-style-type: none"> → Implementation grants should be provided annually, with 75% allocated according to the number of shipment miles (i.e., number of shipments and shipment mileage along routes) and 25% allocated to ensure minimum funding levels and program capabilities among impacted States and Tribes <ul style="list-style-type: none"> → Consider using WIEB's 180© guidelines that recommended a base planning grant of \$150K per year <p>♦ Recommended factors to be considered in determining impact:</p> <ul style="list-style-type: none"> → Population living within ½ mile on each side of the route: some States advocate widening this to take into consideration that in some rural areas the closest response organization may be 20-30 miles from the corridor (cf: DOE facilities that use 5,10, 15, 20 mile EPZs) → Schedule and number of shipment-miles (number of shipments x miles along routes) → Number of jurisdictions impacted, e.g., counties, legally recognized cities, towns and villages; fire and special districts (hospitals) → Total shipment miles along “substandard” roads not built to current federal interstate design standards → Severe changes in elevation along shipment corridors <p>♦ Conditions or restrictions for expenditures:</p> <ul style="list-style-type: none"> → Regional groups should collectively determine allowable expenses, including instruments → States should provide a plan for preparing the local response community; States may want to consider providing funds directly to local jurisdictions to help them plan for shipments <p>♦ Provisions for exceptional cases and special needs:</p> <ul style="list-style-type: none"> → There may be instances/circumstances where a State/Tribe determines it is appropriate to provide escorts for shipments. We may need to establish guidelines for providing escorts as well as develop escort procedures → Security plans and response capabilities are needed in some States to deal with civil disobedience and/or terrorist or sabotage activities. Law enforcement agencies would need assistance in developing security plans and response capability for handling potential acts of violence against shipments

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WGA (continued)	<p>♦ Remaining Issues to be addressed by all parties:</p> <p>→ Most, if not all, western States question the value of eliminating the current, highly successful WGA/WIPP regional approach and replacing it with a vaguely defined consolidated grant approach tied to a yet-to-be-determined funding formula. While we support the TEC/WG exploring alternative options for distributing funds, we question why potentially effective grant approaches, such as the regional approach, are not being evaluated along with the consolidated grant</p> <p>→ The consolidated grant proposal needs a clear, objective statement of purpose and description of the proposal readily understandable to Governors, Members of Congress, etc. The intent of the grant is broadly defined and the scope is open. We need to address the question of funding sources that will drive the program and how the funds (what portion) will be distributed among DOE, States, and Tribes</p> <p>→ Which types of shipments will be covered under the proposed grant (SNF/HLW, TRU, LLW, SST?)</p> <p>→ What total level of funding is available to States and Tribes?</p> <p>→ How will the total dollars be divided (portion to each) among DOE-Administration, Tribes, and States?</p> <p>→ What level of emergency response preparedness for jurisdictions along the corridor is our objective?</p> <p>→ Which States and Tribes and how many State, Tribal, and local jurisdictions will be impacted by shipments under the consolidated grant? This number and the estimates of funding sources will help determine reasonable objectives and mechanisms for funding distribution</p> <p>→ What criteria will be used for determining eligibility for regional groups, States, and Tribes for “set-aside” funding?</p> <p>→ Western Governors have recommended that DOE use the WIPP transportation program as a model for transportation planning. How can the WIPP model be used as a baseline approach under the proposed consolidated grant approach?</p> <p>→ Is DOE-EM pursuing funding sources and cooperative agreements from their civilian, power and defense programs to obtain the level of support needed, assure continued funding, and support applying the WIPP transport safety program to other DOE shipping campaigns?</p> <p>→ Basic questions persist concerning costs and benefits of the consolidated grant compared to the regional grant approach to WIPP shipments. DOE, with State and Tribal input, needs to provide a clear comparison of the two.</p>

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WGA (continued)	<p>→ The loss of the already proven, highly successful and effective regional administration of DOE funds, e.g., WGA, may outweigh what can be gained through a consolidating approach, e.g., reducing redundancies and overlapping programs</p> <p>→ A disproportionate share of the national burden for nuclear waste transportation will be placed on western States and Tribes. How will this discrepancy be taken into consideration in funding distribution, including degradation of highway infrastructure?</p> <p>→ Although a set-aside funding may be acceptable in theory, how much funding would be set aside and how much would remain for distribution to other States and Tribes? Would the remaining amount be sufficient to support meaningful transport safety and emergency response programs?</p> <p>→ Some States, e.g., Idaho, would like DOE to explore formula grants using shipment numbers, mileage, and population, and show how different approaches would affect different States and Tribes. We need to know how many States and Tribes will be impacted by these shipments. We cannot recommend a funding allocation approach until we see these comparisons.</p>

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NCAI	<ul style="list-style-type: none"> ◆ Preservation of Tribal sovereignty and an appropriate consultation process is the primary, overarching issue: → The Senior Executive Forum's conclusions and recommendations concerning the proposed grant should not be released in a Federal Register Notice and should remain in a preliminary draft until thorough consultation with Indian nations has taken place ◆ A need-based, rather than an impact-based approach should be adopted: Tribal jurisdictions have a much greater need than State counterparts ◆ Assessment should be done on a case by case approach → There are outstanding questions about the derivation of formulae and models on which they are based → Input into formulae and models is required from Tribal jurisdictions and technicians ◆ Formulae do not address cultural settings or impacts → The result of population density, mileage, and shipment numbers in formulae usually are part of a rationale which works to exclude Tribal participation → Loss of homelands and cultural icons can be devastating to peoples whose need to protect the integrity of their homelands is essential to cultural continuity ◆ The proposed formula is not an acceptable, equitable distribution methodology → There will be approximately the same number of Tribes as States but the amount distributed to Tribes will be proportionately less → Most Tribal jurisdictions are not in a state of readiness. State organizations are ready to roll and have well-developed infrastructures. The emphasis should be on those jurisdictions which need enhancing and upgrading ◆ DOE reports document the inequitable distribution of transportation funds to States at the expense of Tribal governments. The [financial] disparity plays itself out in the lack of Tribal infrastructure:

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NCAI (continued)	<p>→ A Tribal set-aside can be justified only if it is more than proposed in the current discussion</p> <p>→ Tribes and States should be treated as equals. The NWPA, as amended, makes no mention of providing disparate treatment as proposed by the strawman. There may also be a question regarding DOE's authority to treat Tribes differently and in a subordinate fashion.</p>
Heather Westra, Prairie Island Indian Community	<p>◆ Tribes have a unique political and legal standing in the United States. The DOE has a Trust relationship with the States which requires DOE to give notice to Tribes about the consolidated approach and consult with them to determine whether the Tribes are in agreement. This consultation must occur before the paper is published in the Federal Register</p> <p>◆ The playing field has never been level (or fair and equitable). This is a losing proposition for the Tribes:</p> <p>→ States have enjoyed years of funding (from many sources) to develop and implement sophisticated emergency preparedness infrastructure. Tribes, conversely, have received little funding for emergency program infrastructure development</p> <p>→ The proposed grant will not result in fairness or equity to the Tribes: Ten percent has been allocated to Tribes and a whopping 74.7% has been allocated to States. Tribes, again, will be under funded, but yet expected to respond to radioactive waste transportation accidents not of their making, but a result of shipments traveling through their jurisdictions</p> <p>◆ While the allocation formula may be based on quantitative factors (i.e., number of miles, number of shipments, etc.), other factors, not easily quantified, must be considered as well. For example, exercising treaty rights on ceded territories and other cultural resource protection issues must be incorporated into the discussion. These issues and concerns cannot be resolved until there is direct consultation with Indian tribes.</p>
Santa Clara Pueblo	<p>◆ If Tribes receive a consolidated grant, will it impact the funding amounts and sovereignty of each Tribe? What are the consequences if a Tribe does not go in with the group?</p>